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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,441	03/22/2001	Douglas D. Calaway	26303	4595

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EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,441

Applicant(s)

CALAWAY ET AL.

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/22/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,7. 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-26 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 25 states "for displaying at least one image in" in line 2 with no following text. The sentence is incomplete with words apparently missing. Examiner cannot determine applicants' intended language or inventive step. Therefore, the claim is rejected.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Alloul et al. (U.S. Patent No. 6,032,130).

Claim 1. Alloul et al. discloses:

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- establishing a communication between a processor and a removable electronic storage medium having at least one image of at least one item stored thereon; accessing an image of an item from the storage medium (col. 7 line 48 – col. 8 line 8);
- viewing the accessed item image on a display in communication with the processor (col. 4 lines 21-39);
- if desired, electronically selecting the item for purchase, an item selection automatically causing purchase data on the item to be stored on a writable memory device in communication with the processor (col. 8 lines 27-62).

Claim 2. Alloul et al. discloses:

- at least one image comprises a three-dimensional image (Abstract), in the functionality of motion images that can present rotating or changing views of an object; and
- the viewing step comprises rotating the image in at least one dimension from a first aspect to a second aspect (Abstract), in the functionality of motion images that can present rotating or changing views of an object.

Claim 3. Alloul et al. discloses one image comprises two sets of images, a first set comprising an image of an object and a second set comprising an image of a saleable item related to the object (Abstract; col. 1 lines 32-46).

Claim 4. Alloul et al. discloses the storage medium is selected from a group consisting of a read-only memory disk and a read-write disk (col. 4 lines 46-63).

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Claim 5. Alloul et al. discloses the item image further comprises an electronic switch means activatable with an input device in communication with the processor for enabling the selection step (col. 5 lines 36-41).

Claim 6. Alloul et al. discloses:

- the electronic switch means comprises a defined region on the display (col. 5 lines 36-41); and
- the electronic selection step comprises using input means for pointing at and selecting the button (col. 5 lines 36-41).

Claim 7. Alloul et al. discloses:

- following the electronic selection step, accessing the writable memory device; viewing the purchase data (col. 5 line 58 – col. 6 line 36); and
- outputting the purchase data to a vendor to complete the purchase (col. 5 line 58 – col. 6 line 36).

Claim 8. Alloul et al. discloses the purchase data outputting step comprises submitting the purchase data to the vendor in at least one of an electronic form, a hard-copy form, or via a personal communication device (col. 5 line 58 – col. 6 line 36).

Claim 9. Alloul et al. discloses, following the electronic selection step, of viewing the purchase data formatted as an order form (col. 5 lines 61-65).

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Claim 10. Alloul et al. discloses revising an item of the purchase data to update the purchase data (col. 8 lines 37-39).

Claim 11. Alloul et al. discloses offering a plurality of choices of material for display, including a virtual-reality tour of a site, a set of still images, and promotional information (col. 1 lines 32-46).

Claim 12. Alloul et al. discloses providing a software application on the storage medium (col. 7 line 47 – col. 8 line 62).

Claim 13. Alloul et al. discloses the software is further adapted to

- retrieve the identifier from the storage device (fig. 4; col. 10 lines 24-40); and
- display the identifier on the display device (col. 5 lines 36-41).

Claim 14. Alloul et al. discloses accessing the storage medium through the processor and initializing the software application (col. 7 line 47 – col. 8 line 63).

Claim 15. Alloul et al. discloses:

- a removable electronic storage medium having at least one image of at least one item and a software application stored thereon (col. 7 line 47 – col. 8 line 63);
- a processor (col. 2 lines 20-26; col. 7 line 47 – col. 8 line 63);
- a storage device (col. 7 line 47 – col. 8 line 63),
- means for reading data from the storage medium (col. 7 line 47 – col. 8 line 63),
- an input device (col. 7 line 47 – col. 8 line 63), and

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- a display device, all in electronic communication with the processor (col. 7 line 47 – col. 8 line 63);
- wherein the software application is adapted to run on the processor, display a menu on the display device comprising identifiers of the images, receive a selection of an identifier by a user through the input device, write a file on the storage device comprising the selected identifier, access an image of an item from the storage medium, display the accessed item image on the display device, receive a user selection of the item for purchase, and automatically store purchase data on the item on a writable memory device in communication with the processor (col. 7 line 47 – col. 9 line 25).

Claim 16. Alloul et al. discloses establishing communication between the processor and an external network, the network having means for accessing a vendor of the item (col. 1 line 57 – col. 2 line 12).

Claim 17. Alloul et al. discloses the software application further is adapted to transfer the purchase data to the vendor via the network (col. 1 line 57 – col. 2 line 12).

Claim 18. Alloul et al. discloses outputting a hard copy of the purchase data (col. 10 lines 1-7).

Claim 19. Claim 19 is written as a software application and contains essentially the same limitations as claim 15; therefore, the same rejection is applied.

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Claim 20. Alloul et al. discloses means for displaying a shopping cart comprising an item identifier and purchasing data associated therewith along with the visual images (col. 5 line 58 – col. 6 line 36).

Claim 21. Alloul et al. discloses displaying on the display device a complete order form comprising contents of the shopping cart (col. 5 line 58 – col. 6 line 36).

Claim 22. Alloul et al. discloses outputting the order form in at least one of an electronic form or a hard-copy form (col. 5 line 58 – col. 6 line 36).

Claim 23. Alloul et al. discloses displaying a menu of subsets of visual images and means for receiving a user selection of a subset from the input device, the user selection directing a display of the subset of images (col. 5 line 58 – col. 6 line 36), through the functionality of a client browsing catalogs and filling a shopping cart.

Claim 24. Alloul et al. discloses transferring a second software application to the storage device for permitting a subsequent access of the file from the storage device without the storage medium and the processor being in communication (col. 8 lines 9-26).

Claim 26. Claim 26 is written as a storage medium and contains essentially the same limitations as claim 15; therefore, the same rejection is applied.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

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- Yonezawa et al. (U.S. Patent No. 5,905,973) discloses that in an online shopping system having a shopping basket function capable of conducting an order process in onetime by storing items to be purchased in a purchase list, an interface for the shopping basket function is provided as a shopping basket window separate from a catalog window for displaying item data of the online shopping..
- Hill (U.S. Patent No. 5,970,471) discloses an apparatus and method are provided for presenting a plurality of product images for review by a user on a computer including a display, a memory, and an input device.
- Montague (U.S. Patent No. 6,298,332) discloses a CD-ROM provides all or part of a product labeling system for engaging purchasers. Executables, data, or both are recorded on a CD-ROM hang-tag or other product labeling structure in order to deliver to a consumer or purchaser engaging presentations of product information or registration templates. As a result, purchasers may receive launchers, browsers, viewers, e-mail systems, facsimile centers, players, or interface brokers for the foregoing, if they are organically installed already on a workstation of a purchaser.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30-3:30.

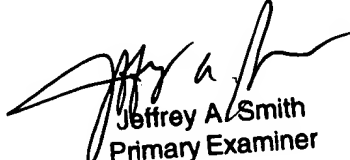
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 872-9326 or (703) 872-9327 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


F. Thompson
July 22, 2003


Jeffrey A. Smith
Primary Examiner